

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

OKLAHOMA GAS & ELECTRIC CO.,

Defendant.

Civil Action No. 5:13-cv-00690-D

**PLAINTIFF UNITED STATES' OPENING BRIEF IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGEMENT AND DECLARATORY RELIEF**

EXHIBIT 7

Martin, Melody

From: Branecky, David
Sent: Thursday, September 14, 2006 7:42 AM
To: Gould, Allen
Cc: Martin, Melody
Subject: RE: AES Fourth Set of DR.doc

Allen,

Because of work done on Muskogee 4 in 2003 we opted to place a cap on our emissions in order to avoid triggering new regulations. New regulations would likely have required a scrubber and NOX control. The cap is determined by calculating 12 month emissions from the highest 24 months in the previous 5 years. We committed to remain under the cap for 5 years. We submit annual reports to DEQ demonstrating we are remaining under the cap. The documents we sent Kim fully explains the issue. If you need more, let me know.

David

REDACTED

PRIVILEGED